

Rev. 9/97

Chapter VIII

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL

Emergency Assistance

---

Page 1

LEGAL BASIS: In addition to the basic TANF and PaS programs, the Department of Human Services administers a limited program of Emergency Assistance. The program was originally authorized by the 111th Legislature . In the event of lack of funds as outlined by the Legislature, the program will end.

GENERAL RULE: Payment of services through the Emergency Assistance program is limited to children and their families who are threatened by destitution or homelessness because of emergency situations. The program does not cover all emergencies.

Authorization in the 30 day period may be made for any combination of covered payment or services within the limitations of payment maximums for some services.

The Emergency Assistance program is not a substitute for the locally administered General Assistance program, although it can be a supplement to that program and a potential resource. Eligibility is not dependent upon denial of General Assistance or the complete expenditure of General Assistance benefits prior to application.

There must be a reasonable expectation that the emergency can be alleviated through the use of Emergency Assistance funds.

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUALEmergency Assistance

---

Page 2

TIME LIMITS: Payment of services through EA is limited to those services authorized during the 30 days following the date of initial authorization. Applications for families or individuals may be approved only once during any 12 consecutive month period. The twelve month period begins with the day following the day of the initial approval of Emergency Assistance.

Example: Initial Emergency Assistance payment authorized on 1/1/94; twelve month period is 1/2/94 through 1/1/95; family is potentially eligible again on 1/2/95.

Families which have not received Emergency Assistance benefits during the 12 consecutive month period may receive services even if a child living with the family has received services within the 12 month period. In this situation, eligibility and services provided for the child who has received Emergency Assistance during the past 12 months must have been provided while the child was living away from the family, the family's income (and assets) must not have been considered in determining this child's eligibility and another child who is eligible for Emergency Assistance services but has not received them during the 12 month period must be residing with the family.

PROGRAM REQUIREMENTS: In order to be eligible for Emergency Assistance, all of the following criteria must be met:

1. The child must be under the age of 21;
2. The child must be living with an individual described in the TANF and PaS programs as a "specified relative" or must have lived with a specified relative within the six months prior to the date of application. Women in their last trimester of pregnancy who have no other children living with them are potentially eligible. The focus of the Emergency Assistance program is the child.

NOTE: Services may be provided to a child who has been absent from the family for less than 6 months.

Rev. 09/01

#54-A

Chapter VIII

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL  
Emergency Assistance

---

Page 3

NOTE: Services cannot be authorized for the child's family unless the child is living with them at the time of application.

3. The child and family must meet income eligibility requirements. If the child is living alone or with a specified relative other than the child's parent and, if payment is to be made by the Emergency Assistance program only for services authorized for the child, only the child's resources are to be taken into account. If the child is living with parents, the income of the parents must be taken into account.

Income Limit: Payment for services through this program is available to families which do not have income available to provide the needed emergency care of services. For all services provided through the Emergency Assistance program, the following income limits must be met:

- a. a family's income must be below 100% of the Federal Poverty Level, or
- b. families must receive TANF or PaS, SSI, or Food Stamps.

NOTE: Every household member applying for EA must receive at least one of the benefits listed above.

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL  
Emergency Assistance

---

Page 4

In determining the amount of income available to the family, the same work related disregard including the child care disregard allowed in the TANF and PaS cash programs are used.

The definitions of excluded income used in the TANF and PaS programs apply to the Emergency Assistance program.

4. All bills must be in either the applicant's name or the name of other adults or children listed on the application who meet Emergency Assistance requirements.
5. Refusal, without good cause, of a family member to accept employment or training must not have caused the circumstance requiring Emergency Assistance.
6. Payments will be made only to vendors. No reimbursements or third party payments will be approved. Copies of approvals will be made for the applicant, vendor, DHS Accounting Office and the case file unless authorized electronically. Applicants will be notified of eligibility decisions in all circumstances.
7. All non-financial eligibility factors of the TANF and PaS cash programs must be met unless excluded below or elsewhere in this Chapter. Excluded requirements of the Emergency Assistance program are:
  - deprivation
  - Assignment of Rights to Support
  - ASPIRE-TANF participation
  - Third Party Liability

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL

Emergency Assistance

---

Page 5

- Assets
- Lump Sum Income (consider any portion of the lump sum not excluded as described in Chapter III, Lump Sum as an asset)
- Income (see Income Limit and FPL in Appendix)
- Child's Age Limit (under 21 years)

Scope of Service: Assistance will be in the form of vendor payments for current or past expenses. Payment will not be authorized to other governmental or private organizations offering the same or similar services (Red Cross, Salvation Army, municipalities). Applications must be received within 30 days of receipt of the actual disconnection notice, eviction notice, foreclosure notice or lien expiration or after 30 days in situations when the crisis continues to exist. In the case of repairs or replacement the application must be received within 30 days of the date the crisis occurs or after 30 days when the crisis continues to exist. If the request is for special equipment due to handicap, the 30-day rule does not apply.

A tentative agreement has been reached between the vendor, the client and the Department when it is determined the payment will resolve the vendor's dispute. Payment will be authorized if the services have been provided in accordance with the agreement and the vendor has provided the Department with an appropriate bill.

Assistance will be limited to one consecutive 30-day period in any consecutive 12-month period. Although needs and costs may be higher, a maximum limit of \$600 per family is established for services described in categories 1 through 5. Additional maximums for particular items or services are identified in later sections.

If assistance reaches the maximum before the consecutive 30-day period expires, eligibility ceases. If the consecutive 30-day period expires, eligibility also ceases, even if the maximum assistance has not been reached.

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL  
Emergency Assistance

---

Assistance shall be used as indicated to cover needs resulting from specific types of emergencies. Evidence that the emergency occurred and details of the situation must be documented in the case record.

1. Disasters: Situations involving disaster such as fire, flood, storm causing damage and/or loss of property and goods.

Assistance may be used to provide or replace necessary household items destroyed or rendered unusable. Some items that may be considered are clothing, repairs or replacement of essential household equipment, repairs of structure (if owned or being purchased by applicant), food, emergency shelter, moving or storage of essential household equipment. This includes plumbing, electrical and carpentry work and rental of new living arrangements including a security deposit if required. Maximum payment is \$350.

The applicant, adults and children listed on the application who meet Emergency Assistance/AFDC requirements must be the owner of or purchasing the property which was damaged at the time of the disaster which needs to be repaired or replaced.

Application for assistance must be received within 90 days of the disaster.

Procedure for Emergencies Involving Disasters:

- a. The estimate from the vendor will be used as a basis for determining which items will be approved for payment.
- b. Once approval has been made a copy of the estimate indicating which items have been approved will be sent to the vendor with a letter explaining the Department's decision.
- c. If assistance is requested for plumbing, electrical, carpentry, or other similar work, estimates must be made by a reputable person in the appropriate field of work. Payment will be made only after the work has been completed by a reputable repairman, carpenter, electrician, etc. When necessary, the completion of work and the safe conditions which result are to be verified.

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUALEmergency Assistance

---

Page 7

2. Repair/Replace: Situations involving crisis due to inadequate, broken or worn conditions of a well, chimney, septic system, furnace, heating stove, or a related essential service which infringes upon a family's ability to cope with the elements. In these situations the structure, facility or item requiring service must be owned or must be in the process of being purchased by the applicant. Approval will be made for repairs or replacement. No approval will be made for repairs or replacement of property owned by other even though such property is being used by the applicant.

Assistance may be authorized for repair of chimneys, roofs, plumbing, electrical work, furnace or other heating, septic systems and wells. In order to repair or replace heating stoves they must be the primary source of heat and not a back-up system. Maximum payment is \$500.

When authorizing the purchase of a stove for heating purposes, the following is needed:

- a. A statement from the fire department that the chimney and hook-up are safe and that the existing stove is unsafe and needs replacing;
- b. If the request is for repair or replacement of furnace, proof of ownership of the home is needed.

NOTE: Purchase of stoves and furnaces will be limited to no more than one per household in a five year period.

Prior to authorization an estimate of the cost of repairs is required from a reputable dealer or repairman licensed for such services.

Authorization may include estimated costs. However, they must be within the overall maximums listed above.

Rev. 6/00

#49-A

Chapter VIII

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUALEmergency Assistance

---

Page 8

3. Emergency Housing: Situations involving the need for housing due to condemnation of structure, domestic violence, unsafe or unhealthy conditions for the child(ren) which has been certified by a public official, or actual eviction not caused by misuse of property or other types of willful disturbance by applicant, relatives or their guests. The eligibility worker must contact the landlord to investigate the condemnation or circumstance giving rise to an actual eviction. If the landlord alleges misuse of property or other types of willful disturbance by the applicant or a guest, the eligibility worker will make every reasonable effort to investigate further to determine if the allegation is true. Where the alleged misuse of property has been caused by an abuser in a domestic violence situation, the abused person will not be denied assistance.

In this category of assistance, a maximum of \$250 toward back rent, a security deposit on a new rental property, and court costs associated with evictions is allowed.

- a. Evictions: When the situation involves an eviction, application must be accompanied by an eviction notice, court eviction order, or statement from the landlord or attorney that an eviction is taking place, or has taken place within the 30 days prior to application or other credible evidence that an eviction (lawful or unlawful) is or has occurred within the 30 days prior.

In instances of eviction, the applicant, other adults or children listed on the application must have the actual tenant/landlord relationship.

If the need for housing is caused by domestic violence, or unsafe or unhealthy conditions, the application must be accompanied by documents necessary to prove the situation.

The reason for the eviction must be established. In a case of nonpayment of rent, if the notice does not specify the date due and amount, the worker will ascertain this information to ensure that the eviction notice will be rescinded even if assistance does not cover all the back rent and the landlord is willing to make arrangements for a plan whereby the applicant will pay the balance in installments or through use of other resources.



DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL

Emergency Assistance

Page 9

- b. Security Deposits: Security deposits will only be authorized only in cases described below.
  1. There must be a definite landlord/tenant relationship, which can be verified by either a lease, rent receipts, or other credible information and the tenant must be actually facing eviction or must have been evicted within 30 days prior to the date of application.
  2. The building is being or has been condemned.
  3. The building has not been condemned but it can be verified by a public official that the facility is harmful to the health and physical well being of the child(ren).
  4. A lease which requires no written notice expires and the landlord refuses to extend it.
  5. Domestic violence has occurred.
  6. The rental property must be within the State of Maine.
- c. Mortgage Payments: Past due mortgage payments will be paid if the party holding the mortgage assures that the \$250.00 will prevent foreclosure even if it does not cover the entire amount due.
 

Past due real estate taxes will be paid to prevent foreclosure or after foreclosure if the town agrees to quit claim the property back to the client even if the \$250.00 doesn't cover the amount due and if the client still lives in the property.
4. Utilities: Situations involving actual or potential shut-off of electricity, gas, bottled gas, or water and sewer bills. Potential shut-off shall mean receipt of termination of service notice from the respective utility. Termination of service must be in accord with rules and regulations in Chapter 81, "Rules and Regulations for Disconnection and Deposit Regulations for Residential Utility Services", P.U.C.

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL

## Emergency Assistance

Page 10

---

In instances of potential or actual disconnection, the utility must be in the applicant's name, or in the name of the adults or children listed on the application who meet Emergency Assistance/AFDC requirements. In the event that the utility is in another person's name, the applying family unit is not responsible for payment of the bill. If the applicant requests assistance to establish service in their name due to a disconnection of service, assistance may be provided to pay a prior bill in the name of the applicant.

Assistance for sewer bills will be granted at the time the lien put on the property for this purpose is maturing.

In such situations a maximum of \$150 will be made toward arrearage of the bill. Approval of payment of the utility expense must be established with the applicant and utility vendor that shut-off will not take place even if the assistance does not cover all the back bill and that arrangements can be made for establishing a plan to pay the balance in installments directly or through use of other resources.

NOTE: In addition, on a utility with an arrearage of less than \$150 the client should apply to C.A.P. for benefits before applying for Emergency Assistance. Maximum payment is \$150.

NOTE: In the situation where more than one utility is to be disconnected, upon written verification additional assistance for this may be provided up to the \$150 maximum not used against the first utility.

Example: \$150 maximum payment

- xx authorized payment on first utility

= xxx maximum payment which can be  
authorized for the second utility.

---

DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL  
Emergency Assistance

---

5. Special Medical Equipment or Clothing: Situations involving inability to perform daily living functions due to a physical or mental incapacity requiring special clothing or equipment not covered by Medicaid or Vocational Rehabilitation.

In such situations assistance may be authorized for items such as corrective shoes, leg braces, bandages, special stockings, back braces, adjustment of living arrangements, etc. The maximum payment is \$250 per individual.

NOTE: Eye glasses are not covered for adults.

Scope of Service: Applications will be available through all Department regional offices and its Central Office. In addition, municipal officials and other social service agencies will be supplied with applications upon request. Such agencies, through assisting client in completing the application, are not required to verify information on the application. Any verification they document will be accepted by the Department.

Eligibility for Emergency Assistance will be determined by a Department of Human Services Eligibility Worker. If clarification is needed, the applicant will be contacted by phone or mail. The applicant will be notified in writing whether he or she is eligible or ineligible. If eligible, notification will state the service and the amount. Hearing rights will also be outlined in the letter.

Approval will be made for one consecutive 30 day period per 12 month period. Decisions shall be made within 10 working days unless the applicant has failed to provide needed verification of information necessary to determine eligibility or asks for the application process to be extended.

Right To Hearing: Any person aggrieved by a decision, act, failure to act or delay in action concerning the application under this chapter shall have the right to an appeal. The same policy and procedure used in the TANF and PaS programs applies to Emergency Assistance with regard to hearings except that a hearing shall be held by the Administrative Hearings Officer within 10 working days following the receipt of an oral or a written request from the applicant for an appeal.